



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #6

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #6 – Explicitly Clarifying that a Recipient of a Section 215 Order May Disclose Receipt to an Attorney or Others Necessary to Comply with or Challenge the Order:

Section 215 of the PATRIOT Act authorizes the Director of the Federal Bureau of Investigation or a designee of the Director to apply to the Foreign Intelligence Surveillance Act (FISA) Court for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for a foreign terrorism or spy investigation. This authority provides counterterrorism and law enforcement officials a helpful and less invasive tool to both uncover what activities suspected terrorists or spies are engaged in and clear innocent people suspected of terrorism or spying.

Current law prohibits the recipient of a 215 order from disclosing the receipt of such an order except to those necessary to comply with the order. This is done for 2 main reasons: 1) fear of tipping off terrorists or spies that they are being investigated; and 2) irreparably harming the reputations of innocent people by publicly disclosing their activities were investigated because of terrorism or spying links. **Current law is silent as to whether a 215 order recipient may disclose the receipt of such an order to an attorney to comply with the order. The pending PATRIOT Act conference report clarifies this issue by stating explicitly that the recipient of a 215 order may disclose receipt to an attorney or others necessary to comply with or challenge the order.** This civil liberty safeguard contained in the conference report does not exist under current law.

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